

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JANUARY 23, 1998

(Published January 31, 1998,  
in Finance and Commerce)

Council Chamber

Minneapolis, Minnesota

January 23, 1998 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Goodman,  
Colvin Roy, Herron, Mead, Minn, McDonald,  
Thurber, Ostrow, Campbell, Biernat, Niland,  
President Cherryhomes.

Absent – Council Member Johnson.

Campbell moved approval of the minutes of  
the regular meeting of December 30, 1997, and  
the organization meeting of January 2, 1998.  
Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and  
communications and reports of the City officers  
to proper Council committees and departments.  
Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### CLAIMS:

CITY CLERK (263404)

Anderson, Dorothy J; Anderson, John M;  
Davis, Leroy Jasper Jr; Barrow, Donna & Atty  
Stephen W Hance (2 claims); Beck, Erich  
Jacob; Bellefeuille, Barbara J Wallace; Benik,  
William B; Bishop, Fred; Bixby, Michael; Braley,  
Michele R; Carle, Janelle; Cox, David  
M; Everson, Roy/sub State Farm Ins Co;  
Fraley, Geraldine R; Grove, Steve; Hewitt,  
James C; Kahnert, Angela; Keute, Travis Lee;  
Lee, Sue H; Leque, Ann Marie; Ludington,  
Shayna; McDonald, Michael; Metropolitan  
Council; Oakley, Joe F; Olson, Shane L;

Paquay, Martin E; Peterson, Vernon L; Polak,  
William; Preese, Frank/BP Enterprises LLP;  
Ressler, Robin; Rivera, Anthony & Atty Karl F  
von Reuter; Roberts, Rita; Salhus, Donna  
Marie & Atty Roy Zimmer; Salita, Dana Beth;  
Saulsbury, Jake; Schiller, Thomas M; Schultz,  
David W; Shull, Jennifer Lee; Simmons, Gail;  
Stevens Park Association Inc; Swenson, John  
& Atty Caroline Bell Beckman; Thomas, Brian  
M; Ugurbil, Kamil; White, Milton.

#### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (263405)

Land Sale: Plymouth Land, Sale of Outlot  
B, Parkers Lake North Fifth Addition: Auth sale  
to Robert Fransen & amend previous contract  
by reducing purchase price to \$271,000.

COORDINATOR (263406)

MCDA Executive Director: Reappointment  
of Rebecca Yanisch.

#### COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (263407)

Modification to Common Plan: Refunding  
of the outstanding bonds remaining of the  
\$40,100,000 City of Mpls Tax Increment  
Revenue Refunding Bonds of 1986; Modifica-  
tion No. 55 to Common Plan.

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (263408)

Rose Court Townhomes and Stinson  
Market Place Project: Technical corrections &  
amendment to budget re construction of  
retaining wall.

NEIGHBORHOOD REVITALIZATION  
PROGRAM (NRP) (263409)

Neighborhood Revitalization Program:  
Windom Park: Auth Hennepin County & Mpls

Public Schools "second 7.5%" funds to support computer upgrades at Pillsbury School;

Folwell: Auth Hennepin County "second 7.5%" funds to support neighborhood services for seniors chore service;

West Calhoun: Auth early access funds to develop Master Plan for Excelsior Blvd;

Waite Park: Apprv Action Plan.

#### **INTERGOVERNMENTAL RELATIONS:**

ATTORNEY (263410)

Proposed bill relating to Interim Licensing Ordinances: Direct staff to notify lobbyists from other municipalities of the issue but not to pursue at Legislature nor add to City's legislative program.

CHARTER COMMISSION (263411)

Technical Amendments: Lay on table.

LIAISON/FEDERAL, LOCAL AND STATE (263412)

Civilian Police Review Authority: Take no action on moving executive director position from classified to unclassified service.

LIAISON/FEDERAL, LOCAL AND STATE (263413)

Intergovernmental Relations Strategic Report.

#### **INTERGOVERNMENTAL RELATIONS**

(See Rep):

LIAISON/FEDERAL, LOCAL AND STATE (263414)

Firefighters: Support bill removing age ceiling for new firefighters; Assign B priority.

Water Works Projects: Initiate legislation enabling City to issue bonds; Assign A priority.

#### **PUBLIC SAFETY AND REGULATORY**

**SERVICES (See Rep):**

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (263415)

Appointments: Approve Mayor and City Council applicants for membership - Michelle Swanson; Lonnie Nichols; and Lorrie Stormme.

COORDINATOR (263416)

Appointment of Police Chief: Concur w/Mayor's nomination to reappoint Robert Olson as Chief for a three-year term to expire January 2, 2001; w/objection from Police Federation.

HEALTH AND FAMILY SUPPORT SERVICES (263417)

Clinic Enhancement and Health Education Services: Execute contracts with clinics for

infrastructure enhancement and health education services to Minneapolis residents for calendar year 1998 - Indian Health Board of Minneapolis; Hennepin County/Pilot City Health Center; Hennepin County/Glenwood Lyndale Community Clinic; Planned Parenthood of Minnesota and South Dakota; Teen Age Medical Service; Hennepin County/Family Medical Center; Southside Community Health Services; Fremont Community Health Services; Cedar Riverside People's Clinic; Community-University Health Care Center/Variety Children's Clinic; Uptown Clinic, Neighborhood Involvement Project.

Immunization Action Plan: Execute Amendment #2 to agreement with Minnesota Department of Health to receive funds for period 1/1/98 through 3/31/99 to carry out plan.

Immulink Registry Services: Execute contract with Hennepin County to support county-wide ImmuLink Project to improve immunization levels of children in Minneapolis.

HEALTH AND FAMILY SUPPORT SERVICES (263418)

Health Services: Execute agreement with Greater Minneapolis Council of Churches, through Division of Indian Work and Teen Indian Parents Program, to provide improved pregnancy outcome and enhanced prenatal support services for calendar year 1998.

Way To Grow: Execute agreement with Youth Coordinating Board to provide funds for program during calendar year 1998.

INSPECTIONS/BOARD OF ADJUSTMENT (263419)

Raze Buildings:

4515 5th Av S;

2411 Aldrich Av N.

LICENSES AND CONSUMER SERVICES (263420)

Licenses: Applications.

POLICE DEPARTMENT (263421)

923 Club (923 Washington Av N): Negate agreement made in May 1995 that stipulated that owner would hire off-duty police officers for security.

Federal Bureau of Investigation Organized Crime Drug Enforcement Task Force: Execute Amendment #2 to Contract with FBI to allow one police officer to be assigned to Task Force for period 10/1/97 through 9/30/98.

**PUBLIC SAFETY AND REGULATORY  
SERVICES and WAYS & MEANS/  
BUDGET (See Rep):**

**HEALTH AND FAMILY SUPPORT  
SERVICES (263422)**

Minnesota Join Together: Accept \$1,700 grant award from coalition to reduce underage drinking and address youth access to alcohol policies in community; and Appropriate funds.

**POLICE DEPARTMENT (263423)**

Compensation/Overtime Program for Payroll System: Authorize pay Systems Programmer III, Greg Schiller, for up to 80 overtime hours, to develop computerized system.

**PURCHASING (263424)**

Bid: Accept low bid of Mattsen and Company for weed cutting and related services for North District.

**TRANSPORTATION AND PUBLIC WORKS:**

**CITY CLERK (263426)**

Critical Parking: Application and petitions requesting establishment of critical parking area in Loring Park neighborhood.

**PLANNING COMMISSION/DEPARTMENT  
(263425)**

Rose Court Condominium Project: Notification that alley conveyance previously approved by the Council is not in conflict with the Comprehensive Plan.

**TRANSPORTATION AND PUBLIC WORKS**

**(See Rep):**

**COORDINATOR (263427)**

Appointment of City Engineer: Recommend reappointment of David Sonnenberg.

**COUNCIL MEMBER BIERNAT (263428)**

Appointment to Downtown Traffic Management Organization: Recommend appointment of Council Member Lisa Goodman.

**COUNCIL MEMBER MCDONALD  
(263429)**

Bicycle Rack Advertising: Proposed state legislation allowing advertising, public art or informational signs with consent of road authority.

**DOWNTOWN COUNCIL (263430)**

Skyway Advisory Committee: Appointment of nineteen members and six ex-officio members.

**PUBLIC WORKS AND ENGINEERING  
(263431)**

Hiawatha Av Paving Project: Authorization to initiate negotiations or condemnation proceedings to acquire easements for street improvements in the area of 22nd Av & Lake St, 26th St & Minnehaha Av and Cedar Av & E Franklin.

1998 Flood Mitigation Projects: Authorize execute Memorandum of Understanding with the MCDA for property acquisition services for certain properties where flood ponds are planned.

**SOLID WASTE AND RECYCLING  
DIVISION (263432)**

Minneapolis Refuse, Inc. (MRI) Contract: Authorize release of Request for Proposals seeking accounting services for the verification of cost allocations to be used in determining payments under MRI contract.

**WATER DEPARTMENT (263433)**

Relocation of Water Facilities: Approve agreement with MnDOT for University Av NE between 27th & 35th Aves NE.

**TRANSPORTATION AND PUBLIC WORKS  
and WAYS & MEANS/BUDGET  
(See Rep):**

**PUBLIC WORKS AND ENGINEERING  
(263434)**

Nicollet Av Corridor Streetscape Improvements Project: Appropriation adjustments to reflect changes in assessments and reimbursements.

Fire Training Simulator Facility (Burn Building): Change orders to contract with Shaw Lundquist Associates, Inc.

**PURCHASING (263435)**

**Bids:**

OP #4773, only bid of MacQueen Equipment Company for O.E.M. Zoeller Cart Lifter parts;

OP #4733, low bid meeting specifications of Lightnin/Trident Process, Inc. for mechanical mixers for Water Department;

OP #4752, low bid meeting specifications of Waldor Pump and Equipment Company for storm water pump & accessories for Sewer Construction Division; and

OP #4765, low bid meeting specifications of Bennett Material Handling, Inc. for fork lift truck for Equipment Division.

**WAYS AND MEANS BUDGET:**

ATTORNEY (263436)

No Fault/Underinsured/Uninsured Claims

Report: 4th Quarter 1997.

COORDINATOR (263437)

GMCVA Quarterly Performance Report:  
3rd Quarter 1997.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (263438)

Defense & Indemnification: Deny request of Lyle Beauchamp.

Settlements: Settlement of Benton vs City; Charles Holcomb vs. Eric Lukes, Debra Lee & R. J. Goedderz, Inc; State Farm Insurance, as subrogee of Ruthie Walker; State Farm Insurance, as subrogee of Susan Johnson; and Larry Morris vs City.

Commission on Civil Rights Rules of Procedure for Contested Case Hearings: Approve amendments.

Employment of Denny Bible: Agreement for services.

Victim/Witness Liaisons: Passage of Resolution authorizing Request for Proposals.

COMMUNICATIONS (263439)

Video Production Services: Contract w/Hennepin County.

MTN's Link w/the City: 11th contract extension w/MTN.

COORDINATOR (263440)

1997-1999 Additional MN Weed & Seed Prog: Accept grant & execute agreement.

Grants & Special Project Cost Center: Appropriation Adjustments.

COORDINATOR (263441)

Department Head Reappointments: Approve reappointment of Jay Heffern, City Attorney; Kathleen O'Brien, City Coordinator; Scott Renne, City Assessor; and Kenneth White, Director of Civil Rights.

COORDINATOR (263442)

Health Insurance Continuation for Laid Off Employees: Approve.

ESTIMATE AND TAXATION (263443)

Corrections to Capital Budget Resolutions: Approve.

FINANCE DEPARTMENT (263444)

Utility Bill Insert: Approve.

Issuance of Refunding Bonds: Issue based on economic benefit.

HEALTH AND FAMILY SUPPORT SERVICES (263445)

Career Development & Work Readiness Services: Agreement w/Youth Trust.

HUMAN RESOURCES (263446)

Floor Supervisor, Convention Center: Salary Ordinance.

Supervisor, Meter Service Workers: Salary Ordinance.

INFORMATION & TECHNOLOGY SERVICES (263447)

Strategic Information Systems Project Planning (SISPP): Pre-qualify panel.

Vendor Selection: Select ESRI as supplier of software.

NEIGHBORHOOD SERVICES DEPARTMENT (263448)

Juvenile Justice Grant: Accept from State, execute agreement & issue Fund Availability Notice.

Academy of Manufacturing & Engineering Technology at North High School: Increase Fund Availability Notice to Resources, Inc & extend.

McKnight Foundation: Accept funding & Issue Fund Availability Notice to various agencies.

PURCHASING (263449)

Bid: OP #4775, accept low bid of Borg Warner Protective Services Corporation.

**ZONING AND PLANNING (See Rep):**

CITY CLERK/SPECIAL PERMITS (263450)

24th St E, 506 (Barry R Madore/Patrick's Cabaret) operate restaurant with present seating capacity during renovation.

COUNCIL MEMBER CHERRYHOMES (263451)

Committee on Urban Development: Appoint Carolyn Carr as President Cherryhomes' DFL Caucus representative.

INSPECTIONS/BOARD OF ADJUSTMENT (263452)

Exception Filed: Harold Schaust: Appeal filed from decsn denying appl for continuation of nonconforming use at 1804 Clinton Av S w/attachments.

PLANNING COMMISSION/DEPARTMENT (263453)

Environmental Review Process: Mpls Convention Center Expansion Project, made

negative declaration, not to order an Environmental Impact Statement, & adopt Findings of Fact & Record of Decision.

**PLANNING COMMISSION:**

PROJECT FOR PRIDE IN LIVING INC  
(263454)

Permission to vacate alley stub located between the north end of the 2700 blocks of Portland and 5th Avenues South.

UNIVERSITY OF MINNESOTA (263455)

Permission to vacate 5th Street South between Riverside and 21st Avenues South.

**MOTIONS (See Rep):**

ATTORNEY (263456)

Workers Compensation: Payments to City employees.

**FILED:**

CITY CLERK/SPECIAL PERMITS  
(263457)

1st Av N, 600 (Target Center) rodeo animals; Hennepin betw 5th & 6th (Forecast Public Artworks) street painting festival; Nicollet Av S, 5801 (Lawrence Sign) sign; Penn Av S, 5400 (Topline Advertising) sign; Stinson Blvd NE, 1440 (Attracta Sign) sign.

FINANCE DEPARTMENT (263458)  
Investment Management System & Reconciliation Report thru November 30, 1997.

FINANCE DEPARTMENT (263459)  
Schedule of Self-supporting Revenue Bonds & Schedule of General Obligation Bonded Debt for 12/31/97.

MINNESOTA DEPARTMENT OF  
TRANSPORTATION (263460)

Commissioner's Order: Revocation of Municipal State Aid Street No 261 - E 42nd St from Hiawatha Av to Minnehaha Av.

NORTHERN STATES POWER (NSP)  
(263461)

Utility Poles: Petitions to replace or install new poles.

**REPORTS OF  
STANDING COMMITTEES**

The **CLAIMS** Committee submitted the following report:

**CLAIMS** – Your Committee recommends that the claims filed against the City by the following individuals be settled as follows:

690-150 Margaret A Buckley, \$6,768;  
Rita Peterson, \$2,261.03;  
Opportunity Housing, \$6,114.97.

Your Committee further recommends concurrence with the recommendation of the Claims Investigator that the Impound Lot be authorized to release without charge the vehicle registered to Edith Mmuma, upon receipt of proof of insurance, and that the towing charges incurred be charged back to the Third Police Precinct.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**The COMMUNITY DEVELOPMENT**

Committee submitted the following reports:

**Comm Dev** – Your Committee, having under consideration the sale of Plymouth Land, Outlot B, Parkers Lake North Fifth Addition, to Robert Fransen for the amount of \$300,000, which was approved by the City Council on August 9, 1996 and amended October 11, 1996 by extending the agreement period, now recommends approval of the sale of subject property to Robert Fransen for the reduced purchase price of \$271,000, with the \$29,000 difference assisting the development project, based on the terms contained in Petn No 263405.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published January 28, 1998)

**Comm Dev** – Your Committee recommends concurrence in the nomination of the Mayor and approval by the Executive Committee of the reappointment of Rebecca Yanisch to the position of Executive Director of the Minneapolis Community Development Agency, for a two year term to expire on January 3, 2000.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County and Minneapolis Public Schools “second 7.5%” NRP funds to support computer upgrades at Pillsbury School in the Windom Park neighborhood being developed as part of the Windom Park Neighborhood NRP Action Plan, now recommends:

1. Approval of the use of \$29,000 of Hennepin County’s “second 7.5%” NRP funds for said purpose;
2. Approval of the use of \$40,000 of Minneapolis School Board’s “second 7.5%” NRP funds for said purpose;
3. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$69,000;
4. That the proper City officers be authorized to enter into any contracts or agreements needed to implement this request; and
5. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petr No 263409).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-001  
By Niland and Campbell**

**Amending The 1998 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by increasing Fund CNR-NRP Program by \$69,000 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County “second 7.5%” NRP funds to support the Folwell neighborhood services for seniors chore service, being developed as part of the Folwell Neighborhood NRP Action Plan, now recommends:

1. Approval of the use of \$5,000 of Hennepin County’s “second 7.5%” NRP funds for said purpose;
2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$5,000;
3. That the proper City officers be authorized to enter into any contracts or agreements needed to implement this request; and
4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petr No 263409).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-002  
By Niland and Campbell**

**Amending The 1998 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$5,000 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County or Minneapolis Public School Board's "second 7.5%" NRP funds to support the development of the Herrick Youth Center and Urban Music House in the Whittier neighborhood being developed as part of the Whittier Neighborhood NRP Action Plan, now recommends:

1. Approval of the use of \$25,000 of Minneapolis School Board's or Hennepin County's "second 7.5%" NRP funds for said purpose;
  2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$25,000;
  3. That the proper City officers be authorized to enter into any contracts or agreements needed to implement this request; and
  4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (Petr No 263409).
- Adopted. Yeas, 12; Nays none.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-003**  
**By Niland and Campbell**

**Amending The 1998 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$25,000 from projected fund balance.  
Adopted. Yeas, 12; Nays none.  
Absent – Johnson.  
Passed January 23, 1998. J. Cherryhomes,  
President of Council.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the West Calhoun Neighborhood's request for early access to NRP funds in the amount of \$25,000 to develop a Master Plan for Excelsior Boulevard, as set forth in Petr No 263409, now recommends:

1. Approval of said early access request, specifically those parts of the request which fall under City jurisdiction;
  2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$25,000;
  3. That the proper City officers be authorized to enter into any contracts or agreements needed to implement this request; and
  4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.
- Adopted. Yeas, 12; Nays none.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-004**  
**By Niland and Campbell**

**Amending The 1998 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:  
That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$25,000 from projected fund balance.  
Adopted. Yeas, 12; Nays none.  
Absent – Johnson.  
Passed January 23, 1998. J. Cherryhomes,  
President of Council.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the Waite Park Neighborhood Action Plan (the

Plan), with total NRP expenditures not to exceed \$1,032,250, as set forth in Petn No 263409, now recommends:

1. Approval of said Plan, specifically those parts of the Plan which fall under City jurisdiction;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$588,500;

3. That the Minneapolis Community Development Agency (MCDA) staff be directed to establish dedicated reserve funds for the Plan within NRP Program Fund (CNR) and to assign \$3,500 to such reserved funds for future year expenditures on the approved Plan;

4. That the proper City officers be authorized to enter into any contracts or agreements needed to implement this request; and

5. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-005**  
**By Niland and Campbell**

**Amending The 1998 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$588,500 from projected fund balance.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes,  
President of Council.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration technical and substantive revisions to the Rose Court and Stinson Market Place Project, for which the Council created the Rosacker Nursery Site Tax

Increment District on April 14, 1997 and approved the use of up to \$550,000 from the Leverage Investment Fund to help finance the project on October 24, 1997, now recommends:

1. Approval of an increase in funding for said project of up to \$175,000 to re-engineer a retaining wall between the public right-of-way and the proposed development;

2. Approval of a capital advance from the Neighborhood Development Account Leveraged Investment set-aside to Fund CRS-Rosacker Nursery Site in an amount not to exceed \$725,000;

3. Passage of the accompanying resolution establishing a 1997 appropriation in Fund CRS-Rosacker Nursery Site of \$725,000 from available fund balance and increasing the 1997 appropriation in Fund GEN-General Fund by \$38,159 from available fund balance;

4. That authorization for the Executive Director of the Minneapolis Community Development Agency to enter into a loan of up to \$550,000 with Donald Rosacker, Jr. and/or corporate entities to be created be rescinded;

5. Restoration of the allocation of \$29,000 in Fund SDA Development Account (GMMHC Century Homes Program).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-006**  
**By Niland and Campbell**

**Amending The 1997 Minneapolis  
Community Development Agency  
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

1. Establishing a 1997 appropriation in Fund CRS-Rosacker Nursery Site of \$725,000 from available fund balance; and

2. Increasing the 1997 appropriation in Fund GEN-General Fund by \$38,159 from available fund balance.

Adopted. Yeas, 12; Nays none.



Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee, having under consideration refunding of the outstanding bonds remaining of the \$40,100,000 City of Minneapolis Tax Increment Revenue Refunding Bonds of 1986 and Modification No. 55 to the Common Plan (Petr No 263407), now recommends passage of the accompanying resolution authorizing sale and providing form, terms, pledge of tax increment and findings, covenants and directions relating to up to \$21,000,000 of General Obligation Tax Increment Refunding Bonds, Series 1998, of the City of Minneapolis, approving Modification No. 55 to the Common Plan, and authorizing execution and delivery of Bond Purchase Agreement and related agreements.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published January 28, 1998)

**RESOLUTION 98R-007**  
**By Niland and Campbell**

**Authorizing sale and providing form, terms, pledge of tax increment and findings, covenants and directions relating to up to \$21,000,000 General Obligation Tax Increment Refunding Bonds, Series 1998 of the City of Minneapolis; approving Modification No. 55 to the Common Plan and authorizing execution and delivery of Bond Purchase Agreement and related agreements.**

Resolved by The City Council of The City of Minneapolis:

**SECTION 1. AUTHORIZATION, FINDINGS AND DEFINITIONS**

**1.01. Background.** This resolution relates to the issuance of up to \$21,000,000 General Obligation Tax Increment Refunding Bonds, Series 1998 (the “Bonds”) for the purpose of refunding the City’s outstanding Tax Increment Revenue Refunding Bonds of 1986 (the “1986 Bonds”) as more fully described in Resolution No. 86R-356 (the “1986 Bond Resolution”). The 1986 Bonds refunded in advance of maturity a portion of the City’s Tax Increment Revenue Refunding Bonds of 1984 (the “1984 Bonds”) as more fully described in Resolution No. 84R-445 (the “1984 Bond Resolution”). The 1984 Bonds refunded in advance of maturity various issues of general obligation bonds of the City (the “Original Bonds”) as described in the 1984 Bond Resolution. The principal amount of Original Bonds, the tax increment financing districts to which such Original Bonds related (the “Districts”) and the portion of the principal amount of all Original Bonds (and 1984 Bonds) allocable to each District are as follows:

<b>Tax Increment District</b>	<b>Amount Refunded</b>	<b>% of the total Refunded</b>
Industrial Development District	\$ 1,475,000	0.86%
Loring Park	36,965,000	21.57%
Nicollet Lake	11,100,000	6.48%
City Center	49,000,000	28.58%
Centre Village	19,085,000	11.14%
Broadway/I-35W	1,685,000	0.98%
Cedar Riverside	8,000,000	4.67%

2900 Dean Parkway	1,005,000	0.59%
East Bank	17,940,000	10.47%
Franklin Avenue	650,000	0.38%
Grant	1,325,000	0.77%
Hennepin & Lake	2,700,000	1.58%
Holmes	3,725,000	2.17%
Industry Square	2,230,000	1.30%
Nokomis Homes	1,000,000	0.58%
North Loop	295,000	0.17%
North Washington Ind. Park	9,095,000	5.31%
Seward South	800,000	0.47%
St. Anthony West	1,020,000	0.60%
West Broadway	2,285,000	1.33%
	<b>171,380,000</b>	

The 1986 Bonds are secured by a debt service reserve in the required amount of \$7,554,200 (the "1986 Reserve Requirement") which includes a United States Treasury obligation, State and Local Government Series in the principal amount of \$7,500,000 (the "Reserve SLG"). The City has on deposit funds sufficient to pay principal and interest due on the 1986 Bonds on March 1, 1998. The principal amount of 1986 Bonds due after March 1, 1998 is \$27,525,000 and such 1986 Bonds may be called for prior redemption at par plus accrued interest on March 1, 1998. By Resolution No. 89R-530 the City Council approved the creation by the Minneapolis Community Development Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the "Common Plans") relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 to 469.047 and 469.174 to 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minneapolis Code of Ordinances, Chapter 422, as amended. Although Common Project tax increment does not support the Bonds, the Districts are part of the Common Project Area and Modification No. 55 is deemed to be an appropriate vehicle to set forth the relationship between the Bonds and the tax increment from the Districts.

**1.02. Authority.** The Districts were created, and the Original Bonds were issued, under various tax increment laws applicable at the time, including Chapter 677, Minnesota Laws 1971, Chapters 472A and 462, Minnesota Statutes, and Sections 273.71 to 273.78, Minnesota Statutes. The 1984 Bonds and 1986 Bonds were issued pursuant to Minnesota Statutes, Section 475.67 and Chapter 650, Minnesota Laws of 1984. Minnesota Statutes, Section 475.67 authorizes the issuance of refunding purpose for the purpose, among other things, of interest cost savings. Issuance of the Bonds in accordance with this resolution does not increase the amount of bonded indebtedness allocable to any of the Districts. No referendum is required for the issuance of the Bonds.

**1.03 Documents Presented.** There has been presented to this Council forms of the following documents: (a) Bond Purchase Agreement (the "Bond Purchase Agreement") proposed to be entered into between the City and Piper Jaffray Inc., U.S. Bancorp Investments, Inc. and Miller & Schroeder Financial, Inc. (the "Underwriters"), (b) Tax Increment Pledge Agreement dated as of February 1, 1998 (the "Pledge Agreement") providing for a pledge of tax increment from the Minneapolis Community Development Agency to the City to pay principal and interest on the Bonds, (c) Modification No. 55 to the Common Project Tax Increment Financing Plan dated as of January 23, 1998 ("Modification No. 55") supplementing and amending the Common Plan and any tax increment financing plans applicable to the Districts, (d) a form of Official Statement proposed to be distributed in connection with the sale of the Bonds and (e) a Continuing Disclosure Certificate proposed to be executed by the City to the Underwriters.

**1.04. Definitions.** Unless the context otherwise requires, the terms defined in this Section 1.03 shall, for all purposes of this Bond Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

“Act” means Minnesota Statutes, Sections 469.174 to 469.179, as amended from time to time.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Underwriters relating to the sale of the Bonds.

“Districts” means the tax increment financing districts listed in Section 1.01, except those which have been decertified.

“Holder”, “Bondholder” or “owner” means the person in whose name a Bond is registered.

“Internal Revenue Code” means the Internal Revenue Code of 1986, and amendments thereto.

“Letter of Representations” means the Blanket Letter of Representations from the City to Depository Trust Company, New York, New York.

“Series 1998 Bonds” or “Bonds” means the General Obligation Tax Increment Refunding Bonds, Series 1998, authorized by this Bond Resolution.

## **SECTION 2. TERMS AND FORM OF BONDS**

**2.01. Series 1998 Bond Terms.** The Bonds shall be dated February 1, 1998, or such later date as the Finance Officer may determine, shall be in the aggregate principal amount of not more than \$21,000,000, shall be issued in denominations of \$5,000 or any integral multiple thereof and shall be numbered from R1 upwards in order of issuance or such other order as the Bond Registrar may determine. The Bonds shall bear interest at the rates per annum determined by the Finance Officer not to exceed an average rate of 5.00% per annum, payable on September 1, 1998 and semiannually thereafter on March 1 and September 1 of each year from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve 30-day months. The Bonds shall mature in the maximum amounts on March 1 of each of the years as follows:

<b>Year</b>	<b>Amount</b>
1999	\$3,795,000
2000	4,020,000
2001	4,245,000
2002	4,360,000
2003	4,580,000

The Bonds are not subject to prior redemption.

**2.02. Method of Payment; Registrar and Paying Agent.** The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Registrar and Paying Agent, or at the offices of such other successor agents as the City may hereafter designate upon 60 days' mailed notice to the registered owners at their registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of at least \$100,000 in principal amount of Bonds shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the

month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

**2.03. Bond Form.** The Bonds shall be in substantially the following form, which may be printed on the face or on the back or partially on the face or back, with the necessary variations as to number, CUSIP Number, denomination, rate of interest and date of maturity, the blanks therein to be properly filled in, to-wit:

(Form of Series 1998 Bond)

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS

No. R-\_\_\_\_\_ \$\_\_\_\_\_

GENERAL OBLIGATION TAX INCREMENT REFUNDING BOND, SERIES 1998

Interest Rate	Maturity	Date of Original Issue	CUSIP
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Registered Owner:

Principal Amount:

The City of Minneapolis, in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, without option of prior payment, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from February 1, 1998, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on March 1 and September 1 of each year, commencing September 1, 1998, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. Principal and the redemption price is payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon 60 days' notice to the registered owners at their registered addresses. At the written request of the registered owner thereof, payment of at least \$100,000 in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each March 1 and September 1 interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the preceding February 15 and August 15 (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

[Additional provisions of this Bond are contained on the reverse side hereof and such provisions shall for all purposes have the same effect as if set forth here.]

This Bond is one of a series of Bonds in the aggregate principal amount of \_\_\_\_\_ Million \_\_\_\_ Hundred \_\_\_\_\_ Thousand dollars (\$\_\_\_\_\_), all of like date and tenor except for number, interest rate, denomination date of maturity, and is issued pursuant to and in accordance with Sections 469.174 to 469.179 (the "Act") and Section 475.67, Minnesota Statutes, for the purpose of providing funds to refund in advance of maturity all of the City's outstanding Tax Increment Revenue Refunding Bonds of 1986 which mature after March 1, 1998, all as set forth and described in Resolution No. \_\_\_\_\_ of the City Council relating to the issuance of the Bonds of this series adopted January 23, 1998 (the "Bond Resolution").

The Bonds of this series are payable primarily from collections of tax increment from the certain tax increment financing districts which have been pledged to the Debt Service Account by the Bond Resolution; but the full faith and credit of the City of Minneapolis has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds, and the City Council is obligated to levy ad valorem taxes on all taxable property in the City without limitation as to rate or amount, if necessary, to pay principal and interest when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the tax increment pledged to the Bonds of this series. Reference is hereby made to the Act and to the Bond Resolution for a description of the conditions under which additional bonds are authorized to be issued under the Bond Resolution on a parity with the Bonds of this series, the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the moneys pledged to the payment of the Bonds and interest thereon.

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issuable only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is Hereby Certified, Recited and Declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in regular and due time, form and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City of Minneapolis.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

**JANUARY 23, 1998**

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In Witness Whereof, the said City of Minneapolis, acting by and through its City Council, has caused this Bond to be executed with the facsimile signature of its Mayor, countersigned by the facsimile signature of the Finance Officer, and attested with the facsimile signature of the City Clerk, and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: \_\_\_\_\_

CITY OF MINNEAPOLIS

By: \_\_\_\_\_ (Facsimile)  
Mayor

(Seal)

Attest:

\_\_\_\_\_ (Facsimile)  
City Clerk

Countersigned:

By: \_\_\_\_\_ (Facsimile)  
Finance Officer

**Bond Registrar's Registration and Authentication Certificate**

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

\_\_\_\_\_  
Finance Officer,  
as Bond Registrar

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers  
unto \_\_\_\_\_

(Please Print or Typewrite Name and Address of Transferee)  
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration  
thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Please Insert Social Security Number or  
Other Identifying Number of Assignee.

\_\_\_\_\_  
Notice: The signature to this assignment must  
correspond with the name as it appears on the  
face of this Bond in every particular, without  
alteration or any change whatever.

Signature Guaranteed:

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Signatures must be guaranteed by  
a national bank or trust company  
or by a brokerage firm which is  
a member of a major stock exchange.

**2.04. Registration.** As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Bonds, as in this Bond Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Bond Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Bond Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

**2.05. Record Dates.** Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the 15th day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall forthwith cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Bond Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

**2.06. Bonds Mutilated, Destroyed, Stolen or Lost.** In case any Bond shall become mutilated or be destroyed, stolen or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

**2.07. Owners.** As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

**2.08. Use of Securities Depository; Book-Entry Only System.** The provisions of this Section shall take precedence over the provisions of Sections 2.01 through 2.07 hereof to the extent they are inconsistent therewith.

(a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of a securities depository or its nominee, the City and the Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (1) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.



(c) Upon receipt by the City and the Registrar of written notice from the securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Registrar shall issue, transfer and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Registrar to do so, the City and the Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds, or (ii) to make available Bonds registered in whatever name or names the Beneficial Owner registering ownership, transferring or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Registrar shall issue, transfer and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representation is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

### **SECTION 3. EXECUTION AND DELIVERY OF BONDS AND OTHER DOCUMENTS**

**3.01. Bond Purchase Agreement.** Authority to sell the Bonds is hereby delegated to the Finance Officer under Minnesota Statutes, Section 475.60; provided the Underwriters purchase the Bonds at a price of not less than 99.25% of the principal amount and the Bonds bear interest at an average rate of not more than 5.00% per annum. The form of Bond Purchase Agreement proposed to be entered into between the Underwriters and the City is hereby approved and upon sale of the Bonds by the Finance Officer shall be executed by the Mayor, countersigned by the Finance Officer and attested by the City Clerk in substantially the form on file, with such changes therein not inconsistent with law as the officers executing the same may approve, which approval shall be conclusively evidenced by the execution thereof.

**3.02. Bonds.** The Bonds shall be executed by the respective facsimile signatures of the Mayor, Finance Officer and City Clerk and facsimile of the corporate seal of the City as set forth in the form of Bond. The text of the approving legal opinion of Faegre & Benson LLP, of Minneapolis, Minnesota, as bond counsel, may be printed on the reverse side of each Bond and, if so printed, shall be certified by the facsimile signature of the Finance Officer. When said Bonds shall have been duly executed and authenticated by the Registrar in accordance with this Resolution, the same shall be delivered to the Underwriters in accordance with the terms of the Bond Purchase Agreement upon payment of the purchase price, and the receipt of the Finance Officer to said purchasers thereof shall be a full acquittance; and said purchasers shall not be bound to see to the application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with Chapter 475, Minnesota Statutes.

**3.03. Official Statement.** The Finance Officer shall cause an Official Statement relating to the Bonds to be prepared in substantially the form on file and the use thereof by the Underwriters is approved.

**3.04. Certificates.** If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the Underwriters at the closing (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading and (ii) such other certificates as are contemplated by the Bond Purchase Agreement, including a Continuing Disclosure Certificate substantially in the form presented to this Council. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Mayor, City Clerk and Finance Officer shall also execute and deliver to the Underwriters a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver this certificate as to payment for and delivery of the Bonds, together with an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Internal Revenue Code and the signed approving legal opinion of Faegre & Benson LLP as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

**3.05 Approval of Modification No. 55 and Pledge Agreement.** Modification No. 55 to the Common Plan and the Pledge Agreement are hereby approved. The Pledge Agreement shall be executed by the Mayor, Finance Officer and City Clerk in substantially the form on file and shall be filed in the office of the County Auditor prior to the issuance of the Bonds.

#### **SECTION 4. APPLICATION OF PROCEEDS; REFUNDING OF OUTSTANDING REFUNDED BONDS**

**4.01. Appropriation of Funds.** The proceeds of the Bonds are hereby appropriated as follows: (a) any accrued interest shall be deposited in the Debt Service Account, (b) an amount sufficient to pay the Refunded Bonds on March 1, 1998 shall be set aside for such purpose, and (c) an amount equal to the expenses of the transaction shall be applied to the payment thereof.

**4.02 Redemption of 1986 Bonds.** The 1986 Bonds having stated maturities after March 1, 1998 are hereby called for redemption on March 1, 1998 at par plus accrued interest, and the Finance Officer shall provide notice thereof in the manner required by the law and the terms of the 1986 Bonds.

**4.03 Disposition of Reserve SLG.** The Reserve SLG shall be transferred by the Finance Officer to such fund or account of the City or Minneapolis Community Development Agency as the Finance Officer may determine in exchange for an amount determined by the Finance Officer to be the fair market value thereof. The amount received in exchange shall be applied to the redemption of the 1986 Bonds or as otherwise permitted by law.

**4.04 Other Funds; Transferred Proceeds Penalty.** All funds on deposit in a fund or account for the 1986 Bonds which are not required to be on deposit therein and are determined by the Finance Officer to have been erroneously deposited shall be returned to the Districts in such amounts as the Finance Officer may determine. The Minneapolis Community Development Agency shall treat such funds as tax increment and shall not apply the same to the benefit of any District in an amount exceeding the amount contributed by such District to the payment of principal of and interest on the 1984 Bonds and 1986 Bonds. The Finance Officer may apply such funds or any other funds of the City to make yield reduction payments to the United States Treasury under Treas. Reg. 1.148-5(c) in order to comply with the arbitrage requirements under Section 148 of the Internal Revenue Code applicable to the "transferred proceeds" of the Bonds relating to escrows established for certain of the Original Bonds.

## SECTION 5. COVENANTS OF THE CITY

**5.01. Debt Service Account.** There is hereby established a separate Debt Service Account for payment of principal and interest on the Bonds. The Finance Officer shall, from amounts in the Project or other appropriate accounts heretofore created for the Districts, deposit money in the Debt Service Account as necessary to pay the principal of and interest on the Bonds when due; provided that transfers for this purpose shall be made from tax increment revenues of each District in an amount not exceeding the adjusted pro rata share of the Original Bonds which are properly allocable to each District as described below. To the extent such sources are insufficient, the Finance Officer shall apply amounts in the General Fund for such purpose and thereafter reimburse the General Fund from subsequent collections of tax increment revenues. The amount of each debt service payment on the Bonds payable from the tax increment from each District shall not exceed the following percentage of each debt service payment; provided that such percentages may be adjusted by the Executive Director of the Minneapolis Community Development Agency with the consent of the Finance Officer by attributing an aggregate of up to \$3,480,000 of the funds derived from the Reserve SLG to the payment of the obligations of any District or Districts and reallocating the balance of debt service on the Bonds to the remaining Districts.

District	Percentage
Loring Park	26.64%
City Center	35.31
Broadway/I-35W	1.21
Cedar Riverside	5.77
East Bank	12.93
Franklin Avenue	0.47
Grant	0.96
Hennepin & Lake	1.95
Holmes	2.69
Industry square	1.61
Nokomis Homes	0.72
North Loop	0.21
North Washington	6.56
Seward South	0.58
St. Anthony West	0.74
West Broadway	1.65

**5.02. Pledge of Full Faith and Credit; Tax Levies.** The full faith and credit of the City of Minneapolis are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that tax increment revenues pledged to the Bonds under Section 5.01 will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of tax increment revenues in the following year, together with available amounts on deposit in the Debt Service Account, and other dedicated funds are insufficient to pay principal of and interest on the Bonds in such subsequent year and at least 5.00% in excess thereof.

**5.03. Tax Covenant.** The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any activity in any District which would cause the Bonds to be industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as in effect at the time of enactment of the Tax Reform Act of 1986, arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code, or consumer loan bonds within the meaning of Section 103(o) of the Internal Revenue Code of 1954. The City shall take all such action as may be required under the Internal Revenue Code of 1954 or the Internal Revenue Code to establish or maintain the tax exempt status of the Bonds. If necessary, the City shall refrain from collecting from nongovernmental units lease or other payments which would result in a violation of this Section 5.03.

## **SECTION 6. MISCELLANEOUS**

**6.01. Arbitrage.** The City covenants and agrees with the purchasers and holders of the Bonds that the investments of proceeds of the Bonds, including the investment of any revenues pledged to the Bonds which are considered proceeds under the applicable regulations, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Bonds shall not be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code, as amended, and regulations thereunder. On the basis of the existing facts, estimates and circumstances, including the foregoing findings and covenants, the City Council hereby certifies that it is not expected that the proceeds of the Bonds will be used in such manner as to cause the Bonds to be arbitrage bonds under Section 148 and regulations thereunder. The Finance Officer shall furnish an arbitrage certificate to the purchaser embracing or based on the foregoing certification at the time of delivery of the Bonds to the Underwriters.

**6.02. Registration.** The City Clerk is hereby authorized and directed to certify a copy of this Bond Resolution and to cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the County Auditor under Section 475.63, Minnesota Statutes, and to obtain this certificate as to registration of the Bonds.

**6.03. Certification.** The City Clerk, the Finance Officer and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

**6.04. Effective Date.** This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published January 28, 1998)

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** – Your Committee recommends that the City support a bill removing an age ceiling for new firefighters in Minneapolis (HF 2357) and assign it a “B” priority. (Petn No 263414)  
Adopted. Yeas, 12; Nays, none.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**IGR** – Your Committee recommends that staff be directed to initiate legislation enabling the City to issue bonds to finance water works projects and to assign such legislation an “A” priority.  
Adopted. Yeas, 12; Nays, none.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** – Your Committee recommends concurrence with the nomination of the Mayor and approval by the Executive Committee of the reappointment of Robert Olson to the position of Chief of Police for a three-year term, to expire January 2, 2001.

Your Committee further recommends that Chief Olson be directed to respond before the Committee to issues that were raised at his reappointment public hearing.

Adopted. Yeas, 10; Nays, 2 as follows:  
Yeas – Colvin Roy, Herron, Mead, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.  
Nays – Minn, McDonald.  
Declining to Vote – Goodman.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the application of Architectural Archives Inc, dba Architectural Archives at 2101 Kennedy St (new business), for a Second-Hand Goods Dealer License to expire July 1, 1998, now recommends that said license be granted, contingent upon completion of the required background check.

Adopted. Yeas, 12; Nays none.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, to whom was referred back on April 25, 1997 a report relating to the application of M.G.A. Susu, Inc, dba 418 Club, 418 3rd Av N, for Restaurant and Place of Entertainment Licenses, and having received background information, Health Department approval, verification of funding sources and zoning compliance, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays 1 as follows:  
Yeas – Goodman, Colvin Roy, Herron, Mead, McDonald, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.  
Nays – Minn.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire January 1, 1999**

PLR Holding Corporation, dba Jug Liquor Store, 226 W Broadway;

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 1999**

DT Management Inc/An Arizona Corporation, dba Doubletree Guest Suites Minneapolis, 1101 LaSalle Av (New Corporate Officer);

Cozy Lounge Inc, dba Riverview Supper Club, 2319 W River Rd N (New Manager);

Committee Inc, dba First Avenue, 29 N 7th St (Two Floors);

Radisson Minneapolis Corporation, dba  
Radisson Plaza Minneapolis, 35 S 7th St;  
DT Management Inc/An Arizona Corp, dba  
Doubletree Guest Suites – Mpls, 1101 LaSalle  
Av;

Grandma's of Mpls Inc, dba Grandma's  
Saloon & Deli, 1810 Washington Av S;  
Cozy Lounge Inc, dba Riverview Supper  
Club, 2319 W River Rd N;

**On-Sale Liquor Class A with Sunday  
Sales, to expire April 1, 1998**

C B C Athletic Club Inc, dba Calhoun  
Beach Club, 2730 W Lake St (Change in Own-  
ership from Calhoun Beach Club of Mpls Inc);

C B C Athletic Club Inc, dba Dixes  
Calhoun, 2730 W Lake St – Street Level  
(Change in Ownership from Calhoun Beach  
Club of Mpls Inc);

Classic Affairs Inc, dba Schieks Palace  
Royale, 115 S 4th St;

Calhoun Beach Club of Mpls Inc, dba Club  
Facilities, 2730 W Lake St;

Calhoun Beach Club of Mpls Inc, dba  
Calhoun's, 2730 W Lake St – Street Level;

**On-Sale Liquor Class A with Sunday  
Sales, to expire October 1, 1998**

International Catering Inc, dba Atrium Cafe  
at International Market Square, 275 Market St  
for HSN Entertainment, 12/31/97 7:30 p.m. –  
1 a.m.;

International Catering Inc, dba Atrium Cafe  
at International Market Square, 275 Market St  
for St Jude Medical, 12/20/97 5:30 p.m.-1 a.m.;

**On-Sale Liquor Class A to expire  
January 1, 1999**

Augie's Theater Lounge & Bar Inc, dba  
Augie's Theater Lounge, 424 Hennepin Av.;

**On-Sale Liquor Class B with Sunday  
Sales, to expire January 1, 1999**

Murray's Inc, 24-26 S 6th St – 1st Floor;  
Andy's of Mpls Inc, dba Nye's Polonaise,  
112 E Hennepin;

Nath-Son Inc, dba Spring Street Bar & Grill,  
355 Monroe St;

Fleming Clarence G, dba Terminal Bar,  
409 E Hennepin;

**On-Sale Liquor Class B with Sunday  
Sales, to expire July 1, 1998**

Mr Arthur's Inc, dba Legends Cafe, 825 E  
Hennepin;

**On-Sale Liquor Class B with Sunday  
Sales, to expire October 1, 1998**

Tay-Mac Inc, dba Whiskey Junction, 901  
Cedar Av;

**On-Sale Liquor Class C-1, with Sunday  
Sales, to expire January 1, 1999**

Red Sea Inc, dba Red Sea Restaurant &  
Bar, 320 Cedar Av;

**On-Sale Liquor Class E with Sunday  
Sales, to expire January 1, 1999**

OSF International Inc, dba Old Spaghetti  
Factory, 233 Park Av;

**On-Sale Liquor Class E with Sunday  
Sales, to expire July 1, 1998**

Irv's Bar Inc, dba Irv's Bar, 201 W  
Broadway;

**On-Sale Liquor Class E with Sunday  
Sales, to expire October 1, 1998**

New French Uptown Inc, dba New French  
Bistrot & Bar, 1300 Lagoon Av;

**Temporary On-Sale Liquor**

Minnesota Restaurant Association, 871  
Jefferson Av, St. Paul, for 1998 Up Show on  
February 1 – 3, 1998 at Minneapolis Con-  
vention Center (Licensed Facilitator: Kelber Cater-  
ing), 2/1/98 10 a.m. – 5 p.m.; 2/2/98 10 a.m. –  
6 p.m.; 2/3/98 10 a.m. – 4 p.m.;

**Off-Sale Beer, to expire April 1, 1998**

Dave & Ron's Inc, dba Stop-N-Go, 1847  
Johnson St (New Proprietor);

A to Z Gas Stop Inc, dba A to Z Gas Stop,  
3050 1st Av S (New Proprietor).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends  
granting the following applications for business  
licenses as per list on file and of record in the  
Office of the City Clerk under date of January  
23, 1998, subject to final inspection and  
compliance with all provisions of the applicable  
codes and ordinances (Petn No 263420):

Amusement Devices; Building Contractor  
Class A; Building Contractor Class B;  
Contractor/Masonry Class B; Christmas Tree;  
Courtesy Bench; Dry Cleaner – Flammable;  
Dry Cleaner – Nonflammable; Dry Cleaning  
Pickup Station; Laundry; Dry-Wall Contractor;  
Place of Entertainment; Food Distributor;  
Grocery; Indoor Food Cart; Food Manufacturer;  
Restaurant; Short-Term Food Permit; Vending  
Machines; Gas Fitter Class A; Gas Fitter Class  
B; Gasoline Filling Station; Heating/Air Condi-  
tioning/Ventilator Installer Class A; Heating/Air

Conditioning/Ventilator Installer Class B; Horse & Carriage Livery Services; Hotel; Lodging with Boarding House; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Motor Vehicle Servicing Class B (Towing); Motor Vehicle Servicing Class C (Towing); Motor Vehicle Used Parts Dealer; Commercial Parking Lot Class A; Commercial Parking Lot Class B-Contract; Pawnbroker Class A; Peddler Special Religious; Plasterer; Plumber; Recycling/Salvage Yard; Refrigeration Installer; Second-Hand Goods Dealer; Multiple Second-Hand Goods Dealer; Steam & Hot Water Systems Installer; Suntanning Facilities; Tattooing; Taxicab Limited; Taxicab Vehicle; Tobacco Dealers; Tradesman-Combination; Tree Servicing; Wrecker of Buildings – Class A; Wrecker of Buildings – Class B.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling-Lawful Class A**

Southwest Hockey Inc, 1921 W Franklin Av, for one-day off-site gambling – raffle on February 1, 1998 at Parade Stadium, 800 Kenwood Pkwy;

**Gambling-Lawful Class B**

National Multiple Sclerosis Society, dba Minnesota Chapter, 2344 Nicollet Av #280, for site at Westrum's, 4415 Nicollet;

**Gambling Lawful Exempt**

Women's Cancer Resource Center, 1815 E 41st St #C, for raffle on April 21, 1998 at Quest Club, 110 N 5th St;

Church of The Holy Cross, 1621 University Av NE, for pulltabs on February 24, 1998;

Spirit of The Lakes Ecumenical Community Church, dba United Church of Christ, 2930 13th Av S, for raffle on May 14, 1998 at Calhoun Beach Club, 2925 Dean Pkwy;

Minnesota Medical Foundation, 420 Delaware St Box 193, for raffle on January 17, 1998 at Minneapolis Convention Center;

HEART Inc (Help Enable Alcoholics/Addicts Receive Treatment Inc), 527 Marquette Av #2600, for raffle on April 23, 1998 at Minneapolis Convention Center, 1301 2nd Av S.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the Motor Vehicle Repair Garage License held by Tewelde Woldemicael and Teclemariam Abraham dba T&T Auto Repair, 2319 1/2 Jackson St NE, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the TAC recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished February 24, 1998)

**PS&RS** – Your Committee, having under consideration a report passed May 26, 1995 granting an On-Sale Liquor Class E with Sunday Sales License for the 923 Club located at 923 Washington Av N, and as a result the owner and the City agreed to the stipulation that the owner would hire two uniformed police officers for the purposes of addressing safety issues at the liquor establishment, and that effective February 1, 1998 the City will no longer allow officers to work in liquor establishments whereby a substantial amount of their income is gained from alcohol, now recommends that the proper City Officers be authorized to negate said agreement reached in May 1995.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to renew and execute Amendment No 2 to Contract No 10030 with the Federal Bureau of Investigation (FBI) to provide for the assignment of one Minneapolis Police Officer to the Organized Crime Drug Enforcement Task Force, for the period October 1, 1997 through September 30, 1998, and that all overtime costs shall be paid by the FBI. (Petr No 263421)

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to execute the following contracts with community clinics effective January 1 through December 31, 1998, in the amount of \$25,000 each, to provide clinic infrastructure enhancement and health education services to Minneapolis residents, payable from Health (030-440-4413):

a) Indian Health Board of Minneapolis;

b) Hennepin County/Pilot City Health Center;

c) Hennepin County/Glenwood Lyndale Community Clinic;

d) Planned Parenthood of Minnesota & South Dakota;

e) Teen Age Medical Service;

f) Hennepin County/Family Medical Center;

g) Southside Community Health Services;

h) Fremont Community Health Services, Inc;

i) Cedar Riverside People's Clinic;

j) Community-University Health Care Center/Variety Children's Clinic;

k) Uptown Clinic, Neighborhood Involvement Project.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to execute Amendment No 2 to Agreement No 10079 with the Minnesota Department of Health

to receive funds awarded to the City of Minneapolis, in the amount of \$102,700, to carry out the Immunization Action Plan for the period January 1, 1998 through March 31, 1999, in a collaborative project between the Department of Health and Family Support and the Hennepin County Community Health Department.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to execute a contract with Hennepin County, in the amount of \$150,000, in support of the County-wide ImmuLink Immunization Registry Project for the period January 1 through December 31, 1998, to improve the immunization levels of children in Minneapolis, payable from Health (060-440-4413).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Greater Minneapolis Council of Churches through the Division of Indian Work and its Teen Indian Parents Program, in the amount of \$30,000, to provide improved pregnancy outcome and enhanced prenatal support services for high-risk and low-income adolescent American Indian parents and their children, payable from Health (010-440-4413).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to execute an agreement with the Youth Coordinating Board to provide \$982,549 for the Way To Grow Program, for the period January 1 through December 31, 1998, to provide health



education, advocacy, outreach and cultural linkages between families and health care delivery systems, including public health nursing services at the nine Way To Grow sites. Said contract to be payable from the Health Department Budget with \$539,000 from (010-440-4413) and \$443,549 from (040-440-4413).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends concurrence with the recommendations submitted by the Citizens Environmental Advisory Committee (CEAC) to approve the following Mayoral and City Council appointments for CEAC Membership, with terms to expire December 31, 1998:

a. Michelle Swanson, 4037 Dupont Av S, Ward 10 (Mayoral);

b. Lonnie Nichols, 2907 35th Av S, Ward 9 (City Council);

c. Lorrie Stormme, 1827 Johnson St NE, Ward 1 (City Council).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, now recommends that the proper City officers be authorized to raze the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a) 4515 5th Av S, Lot 27, Block 8, F.A.  
Savage Portland Avenue Addition

b) 2411 Aldrich Av N, S 25' of Lot 4 and N 10' of Lot 5, Block 13, Highland Park Addition.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET**

Committees submitted the following reports:

**PS&RS & W&M/Budget** – Your Committee recommends acceptance of low bid received on OP #4776 (Petr No 263424) submitted by Mattsen and Company, for a two-year estimated expenditure of \$90,000, for furnishing all labor, equipment, vehicles and incidentals necessary to accomplish cutting and removal of weeds and miscellaneous plant growth from public or private property as directed by the Department of Inspections, all in accordance with City specifications. Prices are firm for contract period.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said service.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends that the Police Research and Development Unit be authorized to use budgeted consulting funds to pay Greg Schiller, Systems Programmer III, for up to 80 hours of overtime, at a straight time rate, to develop a computerized compensation/overtime program, to be included in the payroll system, payable from Police (010-400-B107).

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to accept a grant award, in the amount of \$1,700, from Minnesota Join Together, a coalition to reduce underage drinking and address youth access to alcohol policies in Minneapolis.

Your Committee further recommends passage of the accompanying Resolution appropriating \$1,700 to the Health Department Agency in receipt of said grant funds.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-008**  
**By Biernat and Campbell**

**Amending the 1998 General  
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in Grants-Other Fund (060-440-4422) by \$1,700.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes,  
President of Council.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC  
WORKS** Committee submitted the following reports:

**T&PW** – Your Committee recommends concurrence with the nomination of the Mayor and approval by the Executive Committee of the reappointment of David Sonnenberg for the position of City Engineer, for a two year term to expire on January 3, 2000.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that the proper City officers be authorized to execute Agreement #77101 between the City

and the Minnesota Department of Transportation (MnDOT) providing for the relocation of water mains for the University Avenue NE Project between 27th and 35th Avenues NE. The cost of said work is payable from the Water Works budget (Capital Improvement Distribution System Reimbursement Account) but shall be reimbursed by MnDOT upon completion of the project.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to initiate negotiations or, if necessary, begin condemnation proceedings for permanent and temporary easements for improvements at the following locations related to Hiawatha Avenue construction:

a) 22nd Av South & Lake Street;

b) North side of E 26th Street, W of  
Minnehaha Avenue;

c) NE corner of Minnehaha Avenue & E  
26th Street; and

d) SE intersection of Cedar Avenue & E  
Franklin Avenue.

Your Committee further recommends that said resolution be summarized for publication.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-009, authorizing negotiations or condemnation for obtaining permanent and temporary easements on certain properties for improvements related to Hiawatha Avenue construction, was passed January 23, 1998 by the City Council and approved January 27, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-009**

**By Mead**

**Authorizing the proper City officials to initiate negotiations or condemnation proceedings for obtaining permanent and temporary easements on certain properties for improvements related to Hiawatha Avenue construction.**

Whereas, the City wishes to acquire both permanent right of way and temporary construction easements over several parcels of land, and;

Whereas, the City wishes to negotiate with the property owners for the acquisition of these properties, and;

Whereas, there is a limited time in which to acquire these properties, and;

Whereas, in order to facilitate a 1998 construction schedule it may be necessary to begin condemnation proceedings should negotiation for the easements not succeed within a timely schedule;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That in the determination and judgment of the City Council, it is found necessary and expedient on account of public necessity and for public purposes to acquire easements to the following properties situated in the City of Minneapolis, Hennepin County, to-wit:

Parcel 1:

That part of the south 110 feet of the north 140 feet of Lot 24 and all of Lots 22 and 23, Griswolds 2nd Addition to Minneapolis, which lies westerly of the following described line:

Commencing at the northwest corner of Lot 24; thence run southerly along the westerly line thereof on an azimuth of 179 degrees 21 minutes 28 seconds for 30 feet; thence on an azimuth of 89 degrees 24 minutes 26 seconds for 77.9 feet to the point of beginning of Line 1 to be described; thence southerly for 155.04 feet on a nontangential curve; concave to the east, having a radius of 289.50 feet, a delta angle of 30 degrees 41 minutes 06 seconds and a chord azimuth of 195 degrees 02 minutes 22 seconds; thence on an azimuth of 210 degrees 22 minutes 53 seconds for 16.16 feet; thence deflect to the left on a tangential curve, having a radius of 209.50 feet and a delta angle

of 31 degrees 08 minutes 20 seconds for 113.86 feet and there terminating.

Also a right to use the following described strip for public purposes, which right shall cease on December 1, 1999, or on such earlier date upon which it is determined that it is no longer needed for public purposes:

A strip being that part of Lots 22, 23 and 24 hereinbefore described, which lies within a distance of 20 feet easterly of the line described above.

Parcel 2:

That part of Lot 1, Block 2, Minnehaha Industrial Park which lies within a distance of 5 feet north of the south line of said lot, together with that part of Lot 1 which lies southeasterly of the following described line: Beginning at a point on the north line of East 26th Street, distant 80 feet westerly of its intersection the southwesterly line of Minnehaha Avenue; thence run northerly at right angles to said north line for 5 feet; thence run northeasterly to a point on the northeasterly line of Lot 4, Block 1, Snelling Industrial Park Addition, distant 50 feet northwesterly of the southeast corner thereof and there terminating.

Also a right to use the following described strips for public purposes, which right shall cease on December 1, 1999, or on such earlier date upon which it is determined that it is no longer needed for public purposes:

That part of Lot 1, Block 2, Minnehaha Industrial Park which lies within a distance of 20 feet north of the south line of said lot, together with that part of Lot 1 which lies southeasterly of the following described line: Beginning at a point on the north line of East 26th Street, distant 80 feet westerly of its intersection the southwesterly line of Minnehaha Avenue; thence run northerly at right angles to said north line for 20 feet; thence run northeasterly to a point on the northeasterly line of Lot 4, Block 1, Snelling Industrial Park Addition, distant 100 feet northwesterly of the southeast corner thereof and there terminating.

Parcel 3:

That part of Lot 4, Block 1, Snelling Industrial Park Addition which lies southeasterly of the following described line: Beginning at a point on the north line of East 26th Street, distant 80 feet westerly of its intersection the southwesterly line of Minnehaha Avenue; thence run northerly at right angles to said north line for 5 feet; thence run northeasterly to a point on the

northeasterly line of said Lot 4, distant 50 feet northwesterly of the southeast corner thereof and there terminating.

Also a right to use the following described strip for public purposes, which right shall cease on December 1, 1999, or on such earlier date upon which it is determined that it is no longer needed for public purposes:

That part of Lot 4, Block 1, Snelling Industrial Park which lies southeasterly of the following described line: Beginning at a point on the north line of East 26th Street, distant 80 feet westerly of its intersection the southwesterly line of Minnehaha Avenue; thence run northerly at right angles to said north line for 20 feet; thence run northeasterly to a point on the northeasterly line of said Lot 4, distant 100 feet northwesterly of the southeast corner thereof and there terminating.

Parcel 4:

The right to use the following described strip for public purposes, which right shall cease on December 1, 1999, or on such earlier date upon which it is determined that it is no longer needed for public purposes:

A strip of land which lies within a distance of 15 feet westerly of and parallel with the westerly right of way line Cedar Avenue and between the south right of way line of Franklin Avenue East and the northeasterly right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad.

Be It Further Resolved that the City of Minneapolis acquire easements to part of said property by condemnation proceedings in the manner provided by law and that the City Attorney be and is hereby authorized and directed to take all necessary steps to institute, prosecute and complete condemnation, on behalf of the City of Minneapolis, of the above described property at the earliest possible date to permit construction during the 1998 construction season and to save on possible increases in construction costs.

Adopted. Yeas, 11; Nays none.

Absent - Johnson, McDonald.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking the services of an accounting firm to verify cost allocations for the Division of Solid Waste and Recycling, with said information to be used to determine the City's payments to Minneapolis Refuse, Inc. (MRI) for solid waste and recycling collections services, as called for in the City's existing contract with MRI.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having received recommendations from the Downtown Council for appointments to the Downtown Skyway Advisory Committee for two-year terms to expire on December 31, 1999, now recommends approval of the following:

**Reappointments**

- a) Edward F. Baker, Baker Investments;
- b) Paul Barber, Downtown Minneapolis Residents Association;
- c) Mike Bryan, US West;
- d) Scott Casanova, Minneapolis Hilton & Towers;
- e) Thomas Clairmont, Brookfield Management;
- f) Robert Cowley, Madison Marquette Realty Service;
- g) Andrew J. Hauer, Downtown Minneapolis Residents Association;
- h) Damon Noga, Allied Parking;
- i) Daniel P. O'Neill, Heitman MN Management, Inc.;
- j) George H. Rosenquist, Jr., Special Interest Group;
- k) Carol J. Royalty, FBS Property Management;
- l) Dan Wozniak, Reliance Real Estate Services;

**Appointments**

- m) Jack Bellestri, TCF Bank;
- n) Robert Best, Institutional Realty Management;
- o) Lance Brockmueller, Shoreinstein Company LP;

p) Patrick Cruikshank, Hines;  
q) Brent Erickson, United Properties;  
r) David Laskey, Dayton Hudson Corporation;  
s) Paige Rickert, CB Commercial Real Estate Ex-Officio, Non-voting Members;  
t) Rudayna Abdo, Minneapolis Planning Department;  
u) John Bergquist, Minneapolis Operations & Regulatory Services Director;  
v) Larry Cooperman, Minneapolis Assistant City Attorney;  
w) Greg Finstad, Minneapolis Public Works Department;  
x) Phil Handy, Minneapolis Community Development Agency;  
y) Merwyn Larson, Minneapolis Inspections Department; and  
z) Frank Brust (staff).  
Adopted. Yeas, 11; Nays none.  
Absent – Johnson, McDonald.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration authorization for the proper City officers to enter into an agreement with the Minneapolis Community Development Agency (MCDA) for services related to acquiring property for flood mitigation ponds, now recommends that the following actions be forwarded without recommendation:

a) Authorization for the City Engineer to negotiate and execute a Memorandum of Understanding with the MCDA that directs the MCDA to acquire the following Phase 1A properties:

**60TH AND 1ST**

6000 1st Av S  
6001 1st Av S  
6004/06 1st Av S  
6005 1st Av S  
6008/10 1st Av S  
6011 1st Av S  
6016 1st Av S  
6019 1st Av S  
6020 1st Av S  
6024 1st Av S  
6000 Stevens Av S;

**43rd St E and Park Av S**

4301 Park Av S  
4305 Park Av S  
4309 Park Av S  
4315 Park Av S  
4317 Park Av S  
4321 Park Av S  
4325 Park Av S  
4336 Park Av S  
4337 Oakland Av S  
4340 Park Av S  
4341 Oakland Av S  
4345 Oakland Av S  
4349 Oakland Av S  
4353 Oakland Av S  
4357 Oakland Av S;

**37th and Columbus**

3712 Columbus Av S  
3716 Columbus Av S  
3718 Columbus Av S  
3722 Columbus Av S  
3726 Columbus Av S  
3728 Columbus Av S  
3734 Columbus Av S  
3715 Columbus Av S  
3719 Columbus Av S;

**22nd and Quincy St NE**

2214 Quincy St NE  
2218 Quincy St NE  
2222 Quincy St NE  
2230 Quincy St NE

**29th and Logan Av N**

2727 Logan Av N  
2730 Logan Av N  
2802 Logan Av N  
2806 Logan Av N  
2807 Logan Av N  
2810 Logan Av N  
2811 Logan Av N  
2814 Logan Av N

b) Further, if any additional funds become available before 1999, that the City Engineer be directed to authorize the MCDA to proceed with acquisition of the following Phase 1B properties:

**60th and 1st Av S**

The remainder of properties designated for acquisition in the 1997 Flood Report (Petr No 263325);

**43rd St E and Park Av S**

Five additional properties on the 4300 block of Oakland Av S;

**Edison High School/Jackson Square**

Properties subject to repeated flooding near the intersection of 20th & Quincy St NE;

c) That the City Engineer be directed to continue to work with appropriate neighborhood groups and public agencies to finalize the list of Phase 2 properties for acquisition in 1999.

Mead moved to amend the report by deleting from the first paragraph, "now recommends that the following actions be forwarded without recommendation", and inserting in lieu thereof, "now recommends that the following actions be approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that Seventh Ward Council Member Lisa Goodman be appointed to the Downtown Traffic Management Organization to fill the position vacated by former Council Member Pat Scott.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee recommends that the City support state legislation permitting advertisements, public art or informational signs to be placed on bicycle racks and storage facilities when authorized to encroach on public right-of-way by the road authority. (Petn No 263429)

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET**

Committees submitted the following reports:

**T&PW & W&M/Budget** – Your Committee recommends passage of the accompanying resolution providing for appropriation changes for the Nicollet Avenue Corridor Streetscape Improvements Project related to changes in the City's assessments policy, project adjustments and to fund work performed by the City under a reimbursement agreement, with the total project budget to remain the same.

**RESOLUTION 98R-010**

**By Mead and Campbell**

**Amending The 1998 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the Public Works – Transportation – Capital Agency in the Permanent Improvement Projects Fund (410-943-9440) by \$300,000, and increasing the appropriation for the Public Works – Streets & Malls – Capital Agency in the Permanent Improvement Projects Fund (410-937-9372) by \$300,000, for changes in the Nicollet Avenue Corridor Streetscape Improvement Project; and

b) Increasing the appropriation for the Public Works – Streets & Malls – Capital Agency in the Permanent Improvement Projects Fund (410-937-9372) by \$81,000, for contract work for the Metro Transit Division to be reimbursed by the Metropolitan Council, and increasing the revenue estimate for the Public Works – Streets & Malls – Capital Agency in the Permanent Improvement Fund (410-937-9372 – Source 3215) by \$81,000.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute change orders for the construction of the Fire Training Simulator Facility (Burn Building), Contract #11273 with Shaw Lundquist Associates, Inc. The value of the change orders shall not exceed \$22,000 (payable from the current project budget), and the final contract amount shall not exceed \$382,075.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 263435):

a) OP #4773, only bid submitted by MacQueen Equipment Company for an estimated expenditure of \$75,000 for furnishing and delivering O.E.M. Zoeller Cart Lifter Parts for immediate 1997 requirements and anticipated 1998 requirements;

b) OP #4733, low bid meeting specifications of Lightnin/Trident Process, Inc. in the amount of \$102,991 for furnishing and delivering mechanical mixers to the Public Works Water Department;

c) OP #4752, low bid meeting specifications of Waldor Pump and Equipment Company in the amount of \$63,564 for furnishing and delivering one storm water pump, controls and accessories to the Public Works Sewer Construction Division; and

d) OP #4765, low bid meeting specifications from Bennett Material Handling, Inc. in the amount of \$35,252 for furnishing and delivering an industrial type fork lift truck to the Public Works Equipment Division.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent – Johnson, McDonald.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### The **WAYS & MEANS/BUDGET**

Committee submitted the following reports:

**W&M/Budget** – Your Committee, having under consideration a recommendation from the Mayor and the Executive Committee to reappoint Jay Heffern to serve as the City Attorney for a 2-year term to expire January 3, 2000, and having held a public hearing thereon, now recommends that said reappointment be approved.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a recommendation from the Mayor and the Executive Committee to reappoint Kathleen O'Brien to serve as the City Coordinator for a 2-year term to expire January 3, 2000, and having held a public hearing thereon, now recommends that said reappointment be approved.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a recommendation from the Mayor and the Executive Committee to reappoint Scott Renne to serve as the City Assessor for a 2-year term to expire January 3, 2000, and having held a public hearing thereon, now recommends that said reappointment be approved.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a recommendation from the Mayor and the Executive Committee to reappoint Kenneth White to serve as the Director of Civil Rights for a 2-year term to expire January 3, 2000, and having held a

public hearing thereon, now recommends that said reappointment be approved.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration the request of Police Officer Lyle Beauchamp for defense and indemnification by the City of Minneapolis regarding an incident which occurred on January 22, 1997 while Beauchamp was off-duty and outside of his jurisdiction as a Minneapolis police officer, now recommends that said request be denied in the matter entitled “Paloney vs. Beauchamp, an individual, Minneapolis Police Department, and City of Minneapolis,” for the reasons cited above regarding off-duty status and location, pursuant to the Police Department Manual and City Council Resolution 84R-047, and as more fully set forth in the Findings of Fact, Conclusions and Recommendations adopted by the Ways & Means/Budget Committee, on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Goodman, Colvin Roy, Herron, Mead, McDonald, Thurber, Ostrow, Campbell, Biernat, Niland, Cherryhomes.

Nays – Minn.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration proposed amendments to the Commission on Civil Rights Rules of Procedure for Contested Case Hearings, now recommends approval of said proposed amendments, as further amended, to insert the language “or other qualified mediators,” to Subparagraph 1 of Rule 13, to read as follows:

“Subp. 1. Selection of a mediator. If the parties agree to mediation by the Commission, or other qualified mediators, the presiding commissioner shall notify the Chair of the Commission, the Chair of the Commission shall

provide the parties with a list of Commissioners who are qualified neutrals and who are not members or alternates of the hearing committee. From such list or otherwise, the parties may mutually agree on selection of a mediator. Absent such agreement, the Chair of the Commission shall provide the parties with a list of three (3) Commissioners who are so qualified, each party may strike the name of one mediator from such list and the mediator not so stricken shall serve as the designated mediator”, as more fully set forth in Petn No 263438 on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to negotiate and execute a short-term employment agreement with Denny Bible to provide consultation services relating to contract negotiations, for a period to commence as soon as possible and to expire in January, 2000, for a total amount not to exceed \$7,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends passage of the accompanying Resolution requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis Refunding Bonds for certain purposes other than the purchase of public utilities.

Your Committee further recommends that the Board of Estimate and Taxation evaluate refunding opportunities and report back to the Ways & Means/Budget Committee no later than March 3, 1998 regarding the specific amount to be refunded and the estimated economic benefit to the City.

Campbell moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.



**W&M/Budget** – Your Committee recommends that the Board of Estimate and Taxation evaluate refunding opportunities and report back to the Ways & Means/Budget Committee no later than March 3, 1998 regarding the specific amount to be refunded and the estimated economic benefit to the City.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval to pre-qualify a panel of Information and Technology consulting firms to assist Strategic Information Systems Project Planning (SISPP) with projects that total no more than \$200,000, to increase efficiency and to reduce time required for administrative processes, said panel to be reviewed and evaluated after one year, but to remain in effect for a three-year period.

Your Committee further recommends that staff be directed to advise the Ways & Means/Budget Committee when contracts with one vendor have reached \$750,000, which will be included, for review, in the department's quarterly reports.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends passage of the accompanying resolution authorizing the Office of the City Attorney to issue a Request for Proposals (RFPs) for victim/witness liaison services.

#### **RESOLUTION 98R-011**

**By Campbell**

#### **Authorizing the Office of the City Attorney to issue a Request for Proposals (RFPs) for victim/witness liaison services.**

Whereas, the Office of the City Attorney is in need of services to assist victims and witnesses in handling the Office's Criminal Division caseload; and

Whereas, this service is needed to assist prosecutors in the delivery of services to victims and witnesses and to assure compliance with victims' rights under state law; and

Whereas, the Office of the City Attorney has determined that such victim/witness services are critical to the prosecution function of cases involving victims/witnesses; and

Whereas, the City of Minneapolis currently contracts with Citizens Council to provide these victim/witness liaison services; and

Whereas, the City's existing contract with Citizens Council to provide these services expires on February 28, 1998;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be directed to issue a Request for Proposals (RFPs) to seek proposals from independent contractors to provide victim/witness assistance to the Criminal Division of the Office of the City Attorney.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the lawsuits filed against the City by the following individuals be settled, and be payable from the funds indicated:

690-150-1500-8350: Jennifer Benton and Randall D. B. Tigue, her attorney, \$3,200;

690-150-1500-4000: First Mercury Insurance Company, \$5,000;

690-150-1500-6750: State Farm Insurance Company, subrogee of Ruthie Walker, \$3,335.70;

690-150-1500-6750: State Farm Insurance Company, subrogee of Susan Johnson, \$11,337.82; and

690-150-1500-4000: Larry Morris and the Cooper Law Firm, his attorneys, \$45,000.

Minn moved to divide the report, so as to consider separately that portion relating to First Mercury Insurance Company. Seconded.

Adopted upon a voice vote.

Minn moved approval of the balance of the report. Seconded.

Adopted. Yeas, 12; Nays none.  
Absent – Johnson.  
Passed January 23, 1998.  
Approved January 27, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends settlement of the following lawsuit filed against the City, payable from the fund indicated:

690-150-1500-4000: First Mercury Insurance Company, \$5,000.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas – Herron, Mead, Thurber, Campbell, Niland.

Nays – Goodman, Colvin Roy, Minn, McDonald, Ostrow, Biernat.

Declining to Vote – Cherryhomes.

Absent – Johnson.

At the adjourned City Council meeting held January 28, 1998, Biernat moved to reconsider the vote taken on the above report. Seconded.

Adopted upon a voice vote.

Campbell moved to approve payment of \$5,000 to the First Mercury Insurance Company to settle the lawsuit. Seconded.

Minn moved a substitute motion to refer the report back to the Ways & Means/Budget Committee. Seconded.

Minn's motion lost. Yeas, 3; Nays, 8 as follows:

Yeas – Goodman, Minn, Ostrow.

Nays – Colvin Roy, Mead, Johnson, Thurber, Campbell, Biernat, Niland, Cherryhomes.

Absent - Herron, McDonald.

Campbell's motion was adopted.

Yeas, 11; Nays none.

Absent - Herron, McDonald.

Passed January 28, 1998.

Approved January 29, 1998. J.

Cherryhomes, Acting Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of the 1997-1999 Additional Minnesota Weed & Seed Program Funds from the Minnesota Department of Public Safety for the Phillips neighborhood Weed & Seed initiative, in the amount of \$50,000.

Your Committee further recommends that the proper City officers be authorized to

execute a grant agreement with the State to provide said funds.

Your Committee further recommends passage of the accompanying resolution increasing the Non-Departmental Agency Appropriation by \$50,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

## **RESOLUTION 98R-012 By Campbell**

### **Amending The 1998 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Non-Departmental Agency in the Grants – Other Fund (060-123-1230) by \$50,000 and increasing the Non-Departmental Agency revenue estimate in the Grants – Other Fund (060-123-1230-Source 3215) by \$50,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes,  
President of Council.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration recommended adjustments into the Grants and Special Projects Cost Center from federal Housing Opportunities for Persons with Aids (HOPWA) funding allocations from FY95, FY96, FY97 and FY98, in the amount of \$20,000 (to provide for expense incurred in the administration of the HOPWA program, at a cost of \$5,000 for each fiscal year) and reappropriating the 1997 Weed and Seed funding allocations, in the amount of \$17,000 (for salaries and benefits of program coordinators and for program administration), for a total adjustment of \$37,000, now recommends passage of the accompanying resolu-

tion increasing the City Coordinator Agency Appropriation by \$37,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-013**  
**By Campbell**

**Amending The 1998 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

a) increasing the appropriation for the City Coordinator Agency in the CDBG/UDAG Fund (040-840-8405) by \$20,000 and decreasing the appropriation for the Non-Departmental Agency in the CDBG/UDAG Fund (040-123-1232) by \$20,000; and

b) increasing the appropriation for the City Coordinator Agency in the Grants – Other Fund (060-840-8405) by \$17,000 and decreasing the appropriation for the Non-Departmental Agency in the Grants – Other Fund (060-123-1230) by \$17,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a renewal contract with Hennepin County for the City to provide production services for the video, “A Public Health Journal,” in the amount of \$10,000, to be billed to Hennepin County for said production services.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a renewal contract with MTN to extend said contract through December 31, 1998 to provide MTN’s formal link with the City, in the amount of \$483,000, payable from the General Fund – Information and Technology Services Agency (010-880-8891).

Adopted. Yeas, 10; Nays none.

Declining to Vote – Colvin Roy.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration technical corrections to the 1998 Capital Budget resolutions, now recommends passage of the accompanying Resolutions:

a) Amending the Capital Improvement Resolution of 1998 (Resolution 97R-393), amending various fund numbers, project funds and footnotes;

b) Amending Resolution 97R-394, entitled, “Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$16,500,000 for certain purposes other than the purchase of public utilities,” detailing the request for \$16,500,000 of Net Debt bonds to make certain revisions;

c) Amending Resolution 97R-401, entitled, “Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$5,949,000 for certain purposes other than the purchase of public utilities,” requesting Strategic Information Systems Project Plan (SISPP) bonding from \$5,949,000 to \$6,949,000 to reflect the \$1,000,000 approved for SISPP bonding during the 1997 mid-year review.

Your Committee further recommends passage of the accompanying Resolutions:

d) Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$2,650,000 for certain purposes other than the purchase of public utilities; and

e) Requesting that the Board of Estimate and Taxation incur indebtedness and issue and

sell City of Minneapolis bonds in the amount of \$9,000,000 for certain purposes other than the purchase of public utilities.

**RESOLUTION 98R-014**

**By Campbell**

**Amending The 1998 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to incorporate the following corrections:

A. Correcting Fund 618 to Fund 610; Fund 738 to Fund 730; and Fund 748 to Fund 740.

B. Correcting the following projects from Fund 410 to Fund 750:

T66, Parking Ramp Repair and Restoration, \$1,259,000;

T67, Residential Parking Program, \$150,000; and

T70, Bicycle Parking, \$30,000.

C. Correcting the following projects for CDBG Year 23 reprogramming:

Revising T49a, St. Anthony Parkway Bridge (C.P. RR) Fund 410, Agency 937, Org 9386, from \$307,000 Net Debt Bonds to \$52,000 Net Debt Bonds and \$255,000 of CDBG Year 23 Reprogramming funding;

Revising Tx1, 5th Av S, Fund 410, Agency 937, Org 9372, from \$255,000 of CDBG Year 23 and \$92,000 of Net Debt Bonds to \$347,000 of Net Debt Bonds; and

Revising Fund 440, Agency 907, Org 9070, by changing the revenue source of HD02 Hosmer Library Expansion/Renovation to CDBG Year 23 from Net Debt Bonds and changing the revenue source of HD08 Sumner Foundation and Site Improvements to Net Debt Bonds from CDBG Year 23.

D. Correcting the following footnotes:

j) Delete:

1) 410 Permanent Improvement-Tax PW-Transp/Special Projects, 410-685); and

2) Sewer, 730-9322 Reimbursable Sewer Construction.

Add:

1) 410 Permanent Improvement-Tax PW-General Services, 410-680;

2) 410-Permanent Improvement-Tax Reimbursable Sewer, 410-9322; and

3) Assessed portion of before Sidewalk Replacement, S.I. 410-9390.

p) Replace Tx1, 5th Av S, \$255,000 of CDBG Year 23, with T49a, St. Anthony Parkway Bridge (C.P. RR), \$255,000 of CDBG Year 23.

Replace HD08 Sumner Foundation and Site Improvements, \$85,000 of CDBG Year 23, with HD02 Hosmer Library Expansion/Renovation, \$85,000 of CDBG Year 23.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-015**

**By Campbell**

**Amending Resolution 97R-394 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$16,500,000 for certain purposes other than the purchase of public utilities."**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to detail the request for \$16,500,000 of Net Debt bonds by making the following revisions:

1) Revising Tx3, Humboldt Av N Greenway-HN Comm Works Program from \$745,000 to \$1,000,000; and

2) Revising T49a St. Anthony Parkway Bridge (C.P. RR) from \$307,000 to \$52,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-016**

**By Campbell**

**Amending Resolution 97R-401 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and**

**sell City of Minneapolis bonds in the amount of \$5,949,000 for certain purposes other than the purchase of public utilities.”**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to request Strategic Information Systems Project Plan (SISPP) bonding from \$5,949,000 to \$6,949,000 to reflect the \$1,000,000 approved for SISPP bonding during the 1997 mid-year review, to read as follows:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds, in the amount of \$6,949,000, the proceeds of which are to be used for the Strategic Information Systems Project Plan (SISPP), in the following amounts and according to the SISPP Project Index included in the 1998 budget documents:

- a) \$1,000,000 for the 1997 SISPP Program, approved at mid-year review;
- b) \$1,500,000 for the 1997 SISPP Program, approved at year-end review; and
- c) \$4,449,000 for the 1998 SISPP Program.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-017  
By Campbell**

**Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$2,650,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$2,650,000, the proceeds of which are to be used for equipment purchases, as part of the fleet renewal, as outlined in the Fleet Management Study recommendations.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-018  
By Campbell**

**Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$9,000,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds, in the amount of \$9,000,000, the proceeds of which are to be used for the final phases of the estimated \$15,000,000 multi-facility plan, as outlined in David M. Griffith's Fleet Management Study recommendations adopted by the City Council.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having received a request from a coalition of neighborhood associations to include an insert in the upcoming Public Works utility billings, promoting the 4th Annual South Minneapolis Housing and Home Improvement Fair and the South Minneapolis Teen Job and Opportunity Fair (designed to connect youngsters with jobs, volunteer positions and other skill building opportunities), now recommends approval to include said promotional piece with the utility bills mailed during February, 1998.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of the low bid meeting specifications received on OP #4775 (Petr No 263449), submitted by Borg Warner Protective Services Corporation, dba Sims Security, for providing all personnel, training and incidentals necessary to provide security services at the Minneapolis Convention Center, for an estimated annual expenditure of \$400,000, all in accordance with City specifications.

Your Committee further recommends that the proper City officers be authorized to execute a contract for said services.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute an agreement with Youth Trust to integrate career development and work readiness into learning experiences in schools and work settings, for the period from January 1, 1998 through December 31, 1998, in the amount of \$25,000, payable from the General Fund – Neighborhood Services Agency (010-860-8605).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of the \$30,000 Juvenile Justice Grant, Title V, from the State for administrative and staff services relating to implementation of the HIRED Employability Skills Training curriculum at the PM School.

Your Committee further recommends that the proper City officers be authorized to execute a grant agreement with the State of Minnesota Department of Economic Security.

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) to HIRED to provide said services:

<b>Fund</b>	<b>Agency</b>	<b>Master Contract #</b>	<b>Period</b>	<b>Amount</b>	<b>FAN #</b>
030-860-8600	HIRED	10008	1/1/98-12/31/98	\$30,000	20-1

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to increase the following Fund Availability Notice to Resource, Inc, to provide continued case management and pre-employment training services at the Academy of Manufacturing and Engineering Technology at North High School:

<b>Fund</b>	<b>Agency</b>	<b>Master Contract #</b>	<b>Period</b>	<b>Amount</b>	<b>FAN #</b>
040-860-8600	Resource, Inc	10013	6/1/97-3/31/98	\$15,028	32-1a

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends acceptance of the McKnight Foundation Welfare to Work grant, providing funds to assist in job placement activities, for the period from January 1, 1998 through December 31, 1998, in the amount of \$960,500, payable from the Neighborhood Services Agency in the Grants – Other Fund (060-860-8605).

Your Committee further recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FANs):

<b>Agency</b>	<b>Master Contract #</b>	<b>Amount</b>	<b>FAN #</b>
Minnesota American Indian Chamber of Commerce	12201	\$160,000	03-1
Eastside Neighborhood Services	10002	114,000	03-2
Greater Minneapolis Day Care Association	10017	154,778	03-3
University of Minnesota Extension Services – Hennepin	12203	15,000	03-3
Pillsbury Neighborhood Services	10007	140,783	03-3
Urban Hope Ministries	12204	14,800	03-3
Exodus Community Development Corporation	12168	81,600	03-4
Freeport West	12188	82,400	03-4
Early Childhood Resource Center	12205	115,000	03-4
Powderhorn Phillips Wellness Center	12206	76,000	03-4

Your Committee further recommends passage of the accompanying resolution increasing the Neighborhood Services Agency Appropriation by \$960,500.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor

Attest: M. Keefe, City Clerk.

(Republished February 24, 1998)

**RESOLUTION 98R-019**

**By Campbell**

**Amending The 1998 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the Neighborhood Services Agency Appropriation in the Grants – Other Fund (060-860-8605) by \$960,500 and increasing the Neighborhood Services Agency revenue estimate in the Grants – Other Fund (060-860-8605-Source 3220) by \$960,500.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends passage of the accompanying amendment to the **Salary Ordinance**, establishing the salary for the new, classified position of Floor Supervisor, Convention Center, based on studies conducted by the Department of Human Resources.

**ORDINANCE 98-Or-001**  
**By Campbell**  
**1st & 2nd Readings: 1/23/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following change:

FLSA	OTC	CLASSIFICATION	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step	7th Step
ADD:									
E	4	Floor Supervisor, Convention Center	\$1493	1509	1524	1540	1776	1864	1947

Adopted. Yeas, 11; Nays none.  
Absent – McDonald, Johnson.  
Passed January 23, 1998. J. Cherryhomes, President of Council.  
Approved January 27, 1998. S. Sayles Belton, Mayor  
Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends passage of the accompanying amendment to the **Salary Ordinance**, setting the salary for the reclassified position of Supervisor, Meter Service Workers, based on studies conducted by the Department of Human Resources.

**ORDINANCE 98-Or-002**  
**By Campbell**  
**1st & 2nd Readings: 1/23/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following change:

FLSA	OTC	CLASSIFICATION	1st Step	2nd Step	3rd Step	4th Step	5th Step	6th Step
ADD:								
N	3	Supervisor, Meter Service Worker	\$1342	1409	1479	1553	1631	1713

Adopted. Yeas, 11; Nays none.  
Absent – McDonald, Johnson.  
Passed January 23, 1998. J. Cherryhomes, President of Council.  
Approved January 27, 1998. S. Sayles Belton, Mayor  
Attest: M. Keefe, City Clerk.



**W&M/Budget** – Your Committee, to whom was referred an Ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to **Administration: Personnel**, amending said ordinance to apply to all employees laid off as a result of the budget process or reorganization, consistent with the original intent of the ordinance, now recommends that said Ordinance be given its second reading for amendment and passage.

**ORDINANCE 98-Or-003**

**By Campbell**

**1st Reading: 12/30/97**

**Ref to W&M/Budget**

**2nd Reading: 1/23/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.470 of the above-entitled ordinance be amended to read as follows:

**20.470. Health/dental insurance continuation for laid off employees.** Any benefits eligible employee of the city under council jurisdiction and participating in job bank who is laid off from the city during the period January, 1996, to January, 2000 inclusive, shall have their health/dental insurance continue as follows:

(1) The level of coverage, single or family, shall continue at the level of coverage in effect for the laid off employee as of the date of layoff.

(2) The health/dental plan which shall be continued shall be the plan in effect for the employee as of the date of layoff.

(3) The city shall pay one hundred (100) percent of the premiums for the first six (6) months of COBRA continuance at the level of coverage and plan selected by the employee and in effect on the date of the layoff.

(4) This section for laid off employees shall be in force until January 2000.

(5) The return to work section shall BE enforced until January, 2000, at which time it will be evaluated for continuation.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval to select Environmental Systems Research Institute (ESRI) as the supplier of Geographic Information Systems (GIS) software to the City of Minneapolis and further recommends approval to negotiate with ESRI for said GIS software.

Your Committee further recommends approval of the Enterprise GIS Management Model.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a request for off-duty police services in the warehouse district, now recommends that the proper City officers be authorized to negotiate and execute a contract with the Warehouse Business District Association for off-duty police services in said district.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Johnson.

Passed January 23, 1998. **NOT**

**APPROVED BY THE MAYOR.**

Attest: M. Keefe, City Clerk.

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) ss.  
CITY OF MINNEAPOLIS )

I, MERRY KEEFE, City Clerk of the City of Minneapolis, County of Hennepin, State of Minnesota, do hereby certify that a report of the Ways & Means/Budget Committee relating to off-duty police services, as acted upon by the City Council of Minneapolis, Minnesota, and designated as "Not Approved by the Mayor", for her approval and signature as such Mayor; that Mayor Sayles Belton did not thereafter, within five days, Sundays excepted, approve or sign such action within the time specified.

Therefore, in accordance with the provisions of Chapter 3, Section 1, of the City Charter, said action has become and is valid,

and I hereby certify that it has the same force and effect as if approved by said Mayor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 30th day of January, 1998.

MERRY KEEFE,  
City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** – Your Committee, having under consideration the appeal of Harold Schaut from the decision of the Board of Adjustment denying his application to continue the nonconforming use of property at 1804 Clinton Av S as a three unit apartment building, now recommends that said appeal be granted in accordance with the Findings of Fact on file in the Office of the City Clerk and made a part of this report by reference. (Petr No 263452)

Adopted. Yeas, 12; Nays, none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends granting the application of Barry R. Madore for a special permit to operate Patrick's Cabaret at 506 E 24th St, currently being renovated, notwithstanding the Zoning Code, with the following conditions:

1. Parking spaces at Lutheran Social Services (LSS) will be signed;
2. Applicant will have a signed agreement with LSS within two months; and
3. If applicant applies for a liquor license, that application will come back to the appropriate committee. (#1997-232)

Adopted. Yeas, 12; Nays, none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in Council President Cherryhomes' appointment of Carolyn Carr, 4050 39th Av S (Ward 12), to serve as Cherryhomes' DFL Caucus representative on the Committee on Urban Environment for a 48-month term to expire December 31, 2001,

replacing Jack Parker. (Petr No 263451)

Adopted. Yeas, 12; Nays, none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the environmental review process for the Minneapolis Convention Center Expansion Project, now recommends:

1. That development of an Environmental Impact Statement not be ordered, therefore making a Negative Declaration; and

2. That the Findings of Fact and Record of Decision report set forth in Petr No 263453 be adopted.

Adopted. Yeas, 12; Nays, none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

## MOTIONS

Ostrow, Chair of the Claims Committee, moved concurrence in the reports received from the City Attorney (Petr No 263456) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of February 1998 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998.

Approved January 27, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved to refer the subject matter of an Ordinance amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to **Licenses and Business Regulations: Building Trade Licenses**, to the Public Safety & Regulatory Services Committee (To abolish certain boards and establish a Board of Appeals to replace them; and establish procedures for obtaining a certificate of competency). Seconded.

Adopted upon a voice vote.

## RESOLUTIONS

### **RESOLUTION 98R-020 By Mead and Campbell**

**Authorizing purchase or condemnation proceeding for acquisition of certain property for the Convention Center Completion Project.**

Resolved by The City Council of The City of Minneapolis:

That in the determination and judgment of the City Council, it is found necessary and expedient on account of public necessity and for public purposes to acquire fee simple title to the following described property situated within the City of Minneapolis, Hennepin County, Minnesota to wit:

1401-1415 3rd Ave S; 1308 Clinton Ave S; 1314 Clinton Ave S; 1412 Clinton Ave S; 1414 Clinton Ave S; 300 E. 15th St; according to the legal description and plat thereof in the Office of the Hennepin County Recorder; together with all hereditaments, improvements and appurtenances; to provide for the realignment of 3rd Avenue South, and relocation of public utilities located therein required to complete the Convention Center, and for use and convenience and benefit of the City of Minneapolis and the inhabitants thereof, and the said lands are suitable and necessary for that public purpose.

Be It Further Resolved that the City of Minneapolis acquire fee simple title to said property by purchase or condemnation proceedings in the manner provided by law, and that the City Attorney be and hereby is

authorized and directed to take all necessary steps to institute, prosecute and complete condemnation or purchase, on behalf of the City of Minneapolis of the above-described property in fee simple title.

Be It Further Resolved that the City of Minneapolis acquire title to said property pursuant to the provisions of Minnesota Statutes 117.042, "quick take" procedure.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

### **RESOLUTION 98R-021 By Goodman, Minn, Niland, Ostrow, Campbell, Biernat, Johnson, Cherryhomes, Herron, Thurber, McDonald, Mead and Colvin Roy**

**Commemorating the 25th Anniversary of the historic Roe vs. Wade Supreme Court decision legalizing the right to safe, legal abortion in the United States.**

Whereas, January 22, 1998, marks the 25th anniversary of the Roe vs. Wade Supreme Court decision; and

Whereas, abortion rights activists in Minneapolis have fought to protect a woman's right to choose, for all women over the past twenty-five years; and

Whereas, women's reproductive health care providers in Minneapolis have guaranteed safe and accessible services to women across the region; and

Whereas, the pro-choice community is committed to ensuring safe, legal and affordable services for the next twenty-five years to all women;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City recognizes the contribution made by the pro-choice community to improve women's health over the past twenty-five years.

Be It Further Resolved that the City declares Thursday, January 22, 1998, Pro-Choice Day in Minneapolis and extends congratulations to the pro-choice movement

on the 25th anniversary of the historic Roe vs. Wade decision.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed January 23, 1998. J. Cherryhomes, President of Council.

Approved January 27, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

### NEW BUSINESS

Campbell offered an Ordinance amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to **Administration: Ethics in Governments**, which was given its first reading and referred to the Ways & Means/ Budget Committee, for a public hearing to be held February 3, 1998, at 10:00 a.m.

McDonald offered an Ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to **Zoning Code: Administration and Enforcement**, which was given its first reading and referred to the Zoning & Planning Committee (Adding new Section 525.545 "Conditional use permit and site plan revocation").

Campbell moved that when this Council adjourns, it adjourns to Wednesday, January 28, 1998, at 9:30 a.m. to consider the Brian Lee Rilea vs. Daniel Gustafson, Rory Suzuki, and the City of Minneapolis lawsuit and the Stonewall Jackson Drain vs. Anthony Barragan and the City of Minneapolis lawsuit and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of January 23, 1998. Seconded.

Adopted upon a voice vote.

Adjourned.

MERRY KEEFE,  
City Clerk.  
98-0693